BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2007-294

SIROUS SALEM 20634 Clarendon Street Woodland Hills, CA 91367 OAH No. 2007080128

Registered Nurse License No. RN 608237

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on March 23,2008.

It is so ORDERED Floruary 21,2008.

FOR THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS

1	ÉDMUND G. BROWN JR., Attorney General		
2	of the State of California KAREN B. CHAPPELLE		
3	Supervising Deputy Attorney General GLORIA A. BARRIOS, State Bar No. 94811		
4	Supervising Deputy Attorney General California Department of Justice 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 897-2540		
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7	Facsimile: (213) 897-2804 E-mail: gloria.barrios@doj.ca.gov		
8	Attorneys for Complainant		
9	BEFORE THE		
10	DEPARTMENT OF CONSUMER AFFAIRS		
11			
12	In the Matter of the Accusation Against:	Case No. 2007-294	
13	SIROUS SALEM 20634 Carendon Street	OAH No. 2007080128	
	Woodland Hills, CA 91367	STIPULATED SURRENDER OF LICENSE AND ORDER	
14	Registered Nurse License No. RN 608237		
15	Respondent.	·	
16			
17	IT IS HEREBY STIPLILATED AND AGREED by and between the parties in this		
18	proceeding that the following matters are true:		
19	PARTIES		
20			
21	, and the property of the prop		
22	the Board of Registered Nursing. She brought this action solely in her official capacity and is		
23	represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,		
24	by Gloria A. Barrios, Supervising Deputy Attorney General.		
25	2. Sirous Salem (Respondent) is represented in this proceeding by attorney		
26	Waldo A. Brown, whose address is 100 N. Citrus Street, Suite 515, West Covina, CA 91791.		
27	3. On or about October 17, 2002, the Board of Registered Nursing issued		
28	Registered Nurse License No. RN 608237 to Sirous Salem. The was in full force and effect at		

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all times relevant to the charges brought in Accusation No. 2007-294 and will expire on October 31, 2008, unless renewed.

JURISDICTION

4. Accusation No. 2007-294 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on June 28, 2007. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 2007-294 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2007-294. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.
- 6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2007-294 as only to Victim Number 2, agrees that cause exists for discipline and hereby surrenders his Registered Nurse License No. RN 608237 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

CONTINGENCY

- Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.
- 12. In consideration of the foregoing admissions and stipulations, the parties agree that the (Board) may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. RN 608237, issued to Respondent Sirous Salem is surrendered and accepted by the Board of Registered Nursing.

13. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

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- 14. Respondent shall lose all rights and privileges as a registered nurse in California as of the effective date of the Board's Decision and Order.
- 15. Respondent shall cause to be delivered to the Board both his wall and pocket license certificate on or before the effective date of the Decision and Order.
- 16. Respondent fully understands and agrees that if he ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2007-294 shall be deemed to be true, correct, and admitted by Respondent when the Board determines whether to grant or deny the petition.
- 17. Upon reinstatement of the license, Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of Two Thousand, Eight Hundred and Seven Dollars and No Cents (\$2, 807.00). Respondent shall be permitted to pay these costs in a payment plan approved by the Board.
- 18. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 2007-294 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.
- 19. Respondent shall not apply for licensure or petition for reinstatement for two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

ACCEPTANCE

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2	I have carefully read the above Stipulated Surrender of License and Order and
3	have fully discussed it with my attorney, Waldo A. Brown. I understand the stipulation and the
4	effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of
5	License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
6	Decision and Order of the Board of Registered Nursing.
7	DATED: 14\0\
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9	and the same of th
10	SIROUS SATEM Respondent
11	
12	I concur with this stipulated settlement.
13	
14	DATED: 11-14-07
15	
16	Waldo a. Brown
17-	Attorney for Respondent
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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: [1 20 DX

EDMUND G. BROWN JR., Attorney General of the State of California

KAREN B. CHAPPELLE Supervising Deputy Attorney General

GIORIA A. BARRIOS

Supervising Deputy Attorney General

Attorneys for Complainant

Matter ID: LA2005601293 SAL.SUR.WPD

Exhibit A
Accusation No. 2007-294

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1	EDMUND G. BROWN JR., Attorney General of the State of California	•	
2	KAREN B. CHAPPELLE		
3	Supervising Deputy Attorney General GLORIA A. BARRIOS, State Bar No. 94811		
4	Supervising Deputy Attorney General California Department of Justice		
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013		
6	Telephone: (213) 897-2571 Facsimile: (213) 897-2804		
7	Attorneys for Complainant		
8	BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS		
9			
10	STATE OF CAL	IFORNIA	
11	In the Matter of the Accusation Against:	Case No. 2007 - 294	
12	SIROUS SALEM		
13	20634 Clarendon St. Woodland Hills, CA 91367	ACCUSATION	
14	Registered Nurse License No. 608237		
15	Respondent.		
16			
17	Complainant alleges:		
18	<u>PARTIE</u>	<u>S</u>	
19	1. Ruth Ann Terry, M.P.H, R.N ((Complainant) brings this Accusation solely	
20	in her official capacity as the Executive Officer of the	e Board of Registered Nursing, Department	
21	of Consumer Affairs (Board).		
22	2. On or about October 17, 2002, the Board issued Registered Nurse License		
23	No. 608237 to Sirous Salem (Respondent). The Registered Nurse License was in full force and		
24	effect at all times relevant to the charges brought herein and will expire on October 31, 2008,		
25	unless renewed.		
26	JURISDICT	<u>ION</u>	
27	3. This Accusation is brought before the Board, under the authority of the		
28	following laws. All Section references are to the Business and Professions Code unless		

otherwise indicated.

4. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof. . . ."

7. Section 490 states:

"A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

III

8. California Code of Regulations, title 16, section 1444, states:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

- "(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.
 - "(b) Failure to comply with any mandatory reporting requirements.
 - "(c) Theft, dishonesty, fraud, or deceit.
- "(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code."
- 9. Section 118, subdivision (b), provides that the suspension / expiration / surrender / cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.
- 10. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime)

- 11. Respondent is subject to disciplinary action under Sections 490 and 2761, subdivision (f), as defined in California Code of Regulations, title 16, section 1444, in that Respondent was convicted of a felony as follows:
- a. On or about May 7, 2007, in a criminal proceeding entitled *The People of the Sate of California v. Sirous Salem* in Los Angeles Superior Court, Pomona, Case No. KA077442, Respondent was convicted on his plea of *nolo contendere* for violating Penal Code

section 288(c)(1) (lewd act against child 14/15 years old), a felony. The Court ordered Respondent to prison term of one year, pay fines and penalties, and register as a sex offender pursuant to Penal Code section 290.

b. The circumstances are that beginning in 2002, when child, LC¹, was 12 years old, and continuing to on or about August 2006, Respondent committed acts of sexual misconduct with said child.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

- 12. Respondent is subject to disciplinary action under section sections 2750 and 2761 subdivision (a) of the Code on the grounds of unprofessional conduct in that Respondent committed unprofessional acts which directly relate to the qualifications, functions and duties of a registered nurse as more fully set forth in paragraph 11, above. The circumstances are as follows:
- 13. On or about 2002 through 2006, Respondent committed acts of sexual misconduct with his fiancee's daughter, LC beginning when she was 12 years of age through 16 years of age. There were at least two hundred instances of sexual misconduct. The sexual misconduct includes, but is not limited to the following;
- a. On or about November, 2006, at approximately 11:00 p.m., Respondent entered LC's darkened bedroom and laid next to her on her bed. He then touched her right breast and attempted to kiss her by trying to put his tongue in her mouth.
- b. On or about October 8, 2006, at approximately 7:00 p.m. in the home of LC, Respondent asked LC and her juvenile friend (V-2)² if they wanted to drink alcohol beverages. They said they did. Respondent then asked them if they knew what a "body shot" was? The two girls said they did not know. Respondent explained the concept of "body shots" to V-2 and then demonstrated.

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- 1. The name of the underage victim has been withheld.
 - 2. The name of underage victim number 2 has been withheld.

- 1). Respondent and V-2 faced each other and V-2 pointed to the front of her left shoulder to direct Respondent where she wanted the "body shot" to be taken from. Respondent told V-2 to go lower, indicating an area closer to her upper left breast. Respondent then rubbed the lime on her V-2's upper left breast and poured salt on the same area. V-2 held the lime in her mouth. Respondent licked the salt from V-2's breast, took a shot glass full of tequila, and took the lime from V-2's mouth with his mouth kissing her using his tongue.
- Respondent repeated the same actions with LC. LC had approximately 6 shots of tequila and V-2 had approximately 4 shots of tequila.
- 3). LC and V-2 went to the bathroom. Respondent followed them. LC felt sick and vomited in the toilet. Respondent held LC's hair back from her face. Respondent then held V-2 with one arm and fondled her vagina with his other hand. V-2's pants and underwear were down at her ankles. Respondent was kissing V-2 on the mouth.
- 4). Respondent pulled LC toward him with both hands. He pulled down her pants and underwear. Respondent kissed LC on the mouth using his tongue and put his fingers in her vagina.
- c. On or about 2002, Respondent began kissing LC. On or about 2003, Respondent began touching and licking LC's breasts. At one point Respondent took LC's right hand and guided it to his crotch area. Respondent told her to open her hand and that he was going to teach her something. LC felt Respondent's penis. On or about 2005, Respondent told LC, "Don't worry. I'm not going to fuck you until you are sixteen."

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License No. 608237, issued to

1	Sirous Salem.		
2	2. Ordering Sirous Salem to pay the Board of Registered Nursing the		
3	reasonable costs of the investigation and enforcement of this case, pursuant to Business and		
4	Professions Code section 125.3;		
5	3. Taking such other and further action as deemed necessary and proper.		
6			
7	DATED:		
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9	$\nabla = 1$		
10	RUTH ANN TERRY, M.P.H, R.N Executive Officer		
11	Board of Registered Nursing Department of Consumer Affairs		
12	State of California		
13	Complainant		
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